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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,140

Applicant(s)

AHO, OUTI

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*. See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-52 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection. The Double Patenting Rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lau-Buckley.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13,15-28,31,33-38,41-52 rejected under 35 U.S.C. 102(e) as being anticipated by Lau et al [Lau 6,772,212 B1].

3. As per claim 1, Lau discloses a method for implementing a multimedia messaging service between a wireless terminal that communicates with a communication network over a radio path and a server [Lau, audio/visual server, Music server, Internet server, RF, col 4 lines 27-67]; the method comprising the steps of:

- Receiving and storing a multimedia message addressed to the wireless terminal at the server, said multimedia message comprising at least one multimedia component,

said multimedia message comprising at least one multimedia component [Lau, audio/visual server, Music server, Internet server, col 4 lines 27-67]

- Storing information on at least one property of the wireless terminal in the server, characterized in that the method further comprises determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such component, they are selected for transmission and transmitted to the wireless terminal [Lau, determines whether the properties from the track satisfy the criteria for one click play list, col 17 lines 48-col 18 line 11].

4. Claims 19,35,43 contain the similar limitations set forth of apparatus claim 1. Therefore, claims 19,35,43 are rejected for the similar rationale set forth in claim 1.

5. As per claims 2,20,44 Lau discloses selecting at least one bearer for transmission of the selected component(s) of the multimedia message [Lau, col 13 lines 49-60].

6. As per claims 3,21 Lau discloses the selection of at least one bearer is performed in the wireless terminal [Lau, automobile audio system, col 2 lines 48-50].

7. As per claims 5,23 Lau discloses the selection of a component of a multimedia message for transmission is performed in the server [Lau, audio/visual server, Music server, Internet server, col 4 lines 27-67]

8. As per claims 6,24,37,46 Lau discloses information on at least one property of the wireless terminal is changed to prevent or allow the transmission of at least one component of the multimedia message as inherent feature of the property information [Lau, determines whether the properties fro the track satisfy the criteria for one click play list, col 17 lines 48-col 18 line 11].

9. As per claims 7,25,47 Lau discloses said information on the properties of the wireless terminal comprises information on the available storage capacity of the wireless terminal as inherent feature of the property information [Lau, determines whether the properties fro the track satisfy the criteria for one click play list, col 17 lines 48-col 18 line 11].

10. As per claims 8,26,48 Lau discloses said information on the properties of the wireless terminal comprises information on the capability of the wireless terminal to process multimedia components of a particular type [Lau, audio/visual server, Music server, Internet server, RF, col 4 lines 27-67].

11. As per claims 9,27,49 Lau discloses the capability of the wireless terminal to process multimedia components is defined on the basis of the hardware properties of the wireless terminal and/or the properties of the programs installed in the wireless terminal .

12. As per claims 10,28,38 Lau discloses a maximum time of validity is defined for the information on the properties of the wireless terminal stored in said server [Lau, audio/visual server, Music server, Internet server, RF, col 4 lines 27-67].

13. As per claims 11,50 Lau discloses a multimedia message addressed to the wireless terminal and comprising at least one multimedia component, is received at the server and a notification message is transmitted to the wireless terminal to indicate that a multimedia message has arrived, characterized in that in the method it is examined whether information on the properties of the wireless terminal in question is stored in the server, wherein, if said information is not stored in the server, said notification message is supplemented with a request to update the properties of the wireless terminal, wherein information on the properties of the wireless terminal is transmitted from the wireless terminal to the server [Lau, end of play list message, col 12 lines 45; update, col 17 lines 45, col 18 line 12].

14. As per claim 12, Lau discloses examined whether said information on the properties of the wireless terminal stored in the server is valid, wherein if said

information is not valid, said notification message is supplemented with a request to update the properties of the wireless terminal [Lau, update, col 17 lines 45, col 18 line 12].

15. As per claims 13,31 Lau discloses said property information stored in the server is used as the property information of the wireless terminal if the sever does not receive a reply from the wireless terminal to said property update request as inherent feature of the property information [Lau, update, col 17 lines 45, col 18 line 12].

16. As per claims 15,33,42 Lau discloses a WAP terminal is used as a wireless terminal and that a multimedia message service centre (MMSC) is used as a server [Lau, audio/visual server, Music server, Internet server, RF, col 4 lines 27-67].

17. As per claims 16,34,52 Lau discloses a connection set-up request is transmitted from the wireless terminal to set up a connection for the transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal, characterized in that the connection set-up message used is a Uaprof information transmission message according to WAP specifications (i.e.: property), and that the header field is supplemented with a profile-diff header field, if the connection set-up message is supplemented with information on the properties of the wireless terminal, or the header field is supplemented with a profile header field if the connection set-up

message is not supplemented with information on the properties of the wireless terminal [see claim 1 rejection].

18. As per claim 17, Lau discloses those components of the multimedia message specified in the property information of the receiving wireless terminal stored in the multimedia messaging system are transmitted without a transmission request being transmitted from the wireless terminal [Lau, audio/visual server, Music server, Internet server, RF, col 4 lines 27-67].

19. As per claims 18,41 Lau discloses a transmission request is transmitted from the wireless terminal to transmit such multimedia message components which have *not* been specified in the property information of the receiving wireless terminal stored in the multimedia messaging system as inherent feature of multimedia message.

20. As per claim 51, Lau discloses the wireless terminal is a WAP terminal or mobile node [Lau, automobile audio system, col 2 lines 48-50].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,14,22,29,32,30,36,39,40,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al [Lau 6,772,212 B1] in view of Buckley [6,163,809].

21. As per claims 4,14,22,29,32,30,36,39,40,45 Lau discloses a method for implementing a multimedia messaging service between a wireless terminal that communicates with a communication network over a radio path and a server [Lau, audio/visual server, Music server, Internet server, RF, col 4 lines 27-67]

However Lau does not explicitly detail the notification message with at least one property of said multimedia component.

In the same endeavor, Buckley discloses a notification information with one or more properties that are carried along as part of message [Buckley, col 14 liens 43-59]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the notification process between the mobile devices and server with the property of a multimedia component as taught by Buckley into the Lau's apparatus in order to utilize the notification process. Doing would provide a high quality dynamically multimedia information specifically suited to the target users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

